IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

ORDER

S.B. CR. MISC. PETITION No. 1347/2006

(Anil Jain Vs. State of Rajasthan & Anr.)

Date of order : 21.08.2007

PRESENT

HON'BLE MR.H.R.PANWAR,J.

Mr. K.N.Joshi, for the petitioner.

Mr. Ashok Upadhyay, P.P. for the State.

BY THE COURT

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 10.7.1996 passed by Chief Judicial Magistrate, Bhilwara (for short 'the trial court hereinafter) taking cognizance of offence as also quashing of criminal proceeding qua the present petitioner.

I have heard learned counsel for the petitioner and the public prosecutor.

It is contended by learned counsel for the petitioner that the occurrence is of the year 1995 as the sample was taken by the food inspector respondent No.2 in the year 1995 and on being analyzed by the public analyst was found adulterated and

therefore, a complaint was filed in the year 1996 for the offence under Section 7/16 of the Prevention of Food Adulteration Act, 1955 (for short 'the Act' hereinafter) before the trial court, whereas the petitioner has been transferred to Tilam Sangh, Jaipur as Managing Director vide order No.प.1 (1) वित/राजस्व/2005 dated 21.2.2006 and as such on the relevant date of occurrence, the petitioner has nothing to do with the adulterated food articles. Learned public prosecutor has not disputed this fact.

On a careful perusal of the material available on record, it no where appears that on the relevant date of occurrence in the year 1995 or even on the date of filing of complaint in the year 1996, the petitioner was Managing Director of the Tilam Sangh, Jaipur. On the contrary, before his transfer as Managing Director, Tilam Sangh, Jaipur he was Financial Adviser, Commercial Taxes Department, Rajasthan, Jaipur and has nothing to do with the Tilam Sangh, Jaipur. In this view of the matter, to allow the proceeding against the petitioner to continue any further would amount to abuse of the process of the Court.

Consequently, the criminal misc. petition is allowed. The criminal proceeding initiated against petitioner Anil Jain in Criminal Case No.540/03 stands quashed.

(H.R.PANWAR), J.

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